

## **REMARKS**

Applicant is submitting this Response in reply to the Official Action dated July 27, 2007 and Applicant believes that this Response is fully responsive for at least the reasons set forth herein.

In the Official Action, Claims 1-20 stand rejected under 35 U.S.C. § 102 as being anticipated by Kondo et al., U.S. Patent Pub. 2004/0155963 (hereinafter "Kondo"). Applicant notes that the Official Action did not state which section of § 102 the rejection is based upon. Applicant assumes that the section is either (a) or (e).

Applicant respectfully disagrees with the rejection and traverses with at least the following analysis.

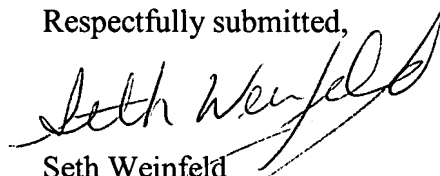
Applicant submits that the claimed invention was not described in a printed publication or a United States patent application prior to the invention of the claimed invention. As evidence of the prior invention, Applicant submits herewith a Declaration of the inventor. The Declaration includes Exhibits A-C. Applicant notes that the Exhibits are redacted.

Applicant asserts that the claimed invention was conceived prior to the U.S. filing date of Kondo. Applicant further contends that a patent application was expediently prepared and filed shortly thereafter. Applicant submits that the timely filing of the application fully meets the requirements of the United States Patent law.

Accordingly, since the claimed invention was not described in a United States Patent Application or a printed publication prior to the invention of the claimed invention, Applicant respectfully requests that the Examiner withdraw the rejection pursuant to 35 U.S.C. § 102.

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



Seth Weinfeld

Registration No: 50,929

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
516-742-4343

SW:ae

Encl.